

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00123-MR-DLH**

**ROBERT M. COLEATES and
BETTY A. COLEATES,**

Plaintiffs,

vs.

**STATE FARM FIRE AND CASUALTY
COMPANY,**

Defendant.

ORDER

THIS MATTER is before the Court on the Plaintiff Robert Coleates's letter requesting a change of venue, which the Court construes as a motion to remand [Doc. 7].

On April 8, 2014, the Plaintiffs Robert M. Coleates and Betty A. Coleates initiated this action against the Defendant State Farm Fire and Casualty Company in the General Court of Justice for McDowell County, North Carolina, Superior Court Division. [Doc. 1-1]. The Defendant timely removed the action to this Court on May 14, 2014 on the basis of the existence of diversity jurisdiction, and filed an Answer on June 16, 2014. [Docs. 1, 4].

On June 13, 2014, the Plaintiffs' counsel moved to withdraw from his representation of the Plaintiffs in this matter. [Doc. 5]. The Court granted counsel's motion on June 20, 2014. [Doc. 6].

On July 17, 2014, the Plaintiff Robert Coleates submitted a *pro se* letter to the Clerk indicating that he intends to amend his claim against the Defendant, which amendment would reduce the amount in controversy below the \$75,000 threshold for diversity jurisdiction. The Plaintiff therefore requests a "change of venue" to the Superior Court for McDowell County, North Carolina. [Doc. 7]. While the Plaintiff couches his request in terms of a change of venue, the Plaintiff is actually requesting a remand of this matter pursuant to 28 U.S.C. § 1447(c).

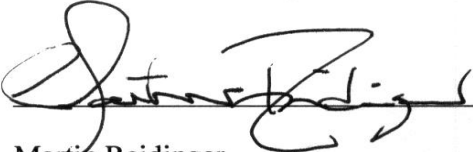
In response to the Plaintiff's motion, the Defendant states that the parties have conferred and that both Plaintiffs have consented to signing a stipulation and covenant to enforce indicating that they are not seeking damages against the Defendant in excess of \$75,000, and if a jury awarded damages in excess of \$75,000, they will not seek to enforce any judgment against the Defendant in excess of \$75,000. In light of the Plaintiffs' consent to this agreement, the Defendant represents that it does not object to the remand of this matter to state court. [Doc. 8].

In light of the Plaintiffs' stipulation, and the Defendant's expressed consent, the Court will grant the motion and remand this matter.

IT IS, THEREFORE, ORDERED that the Plaintiff's motion to remand [Doc. 7] is **GRANTED**, and this matter is hereby **REMANDED** to the McDowell County General Court of Justice, Superior Court Division, for further proceedings.

The Clerk of Court is respectfully directed to send a certified copy of this Order to the McDowell County Clerk of Court and to thereafter close this case.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

